

E. PALESTINE COUNCIL DECEMBER 10, 2018 85 N. MARKET ST. 7PM

Acting Mayor Cohen called the meeting to order, present was Mr. Hall, Mr. Simpson, Mr. Todd, Mr. Walker and Mr. Yokley. Also present was Village Manager Pete Monteleone, Law Director Dave Powers, and Clerk Misti Martin, Finance Director Traci Thompson was not in attendance. At this point Mr. Simpson made a motion to have an amendment for Ordinance 14-2018 as presented seconded by Mr. Cohen, all in favor. The regular meeting minutes of 11/26 & the minutes of the Special Council meeting of December 3 were approved on a motion by Mr. Walker, seconded by Mr. Hall. In reference to the November report for water Mr. Walker commented that we are still losing 25% of our water even after the meter replacement to which Mr. Simpson stated he felt the numbers were improving and also that the numbers were not on the report to show the amount lost during backwashing and that would be addressed during the water project when a meter would be installed to monitor that flow. Mr. Cohen said it has fluctuated and there have been a couple times when it has been very close to even as a result of the new meters. Mr. Walker made a motion to approve the November reports seconded by Mr. Hall. There were no agenda items.

CLERK: Clerk Misti Martin reminded everyone the December 24th meeting has been rescheduled to Thursday December 27.

MAYOR: NO REPORT

MANAGER: Monteleone asked Mr. Todd to review the Findings and Orders from EPA. Mr. Todd said we did receive them and that they were reduced from over \$120,000.00 to \$8000.00 payable at \$2000.00 per quarter and that the permit for construction was needed by January 7, construction must be started by September 1 and must be completed by October 3, 2020. Mr. Walker stated he thought the fine money would go toward construction cost, Monteleone said they petitioned for complete forgiveness and this was the outcome. Atty. Powers said in discussing with EPA Council this figure is as good as it is going to get. Mr. Cohen agreed saying we no longer have the \$124,000.00 portion hanging over our heads. Mr. Simpson said we had also discussed the fine going towards a special project but that could cost more in the long run and that he feels we should just pay the fines as stated. Mr. Todd made a motion to accept the final findings and orders as presented, Mr. Simpson seconded the motion, all in favor.

LAW DIRECTOR: Atty. Powers said he would be drafting legislation in reference to HB 312 – credit card policies and asked for direction from council. He said there are two options; one is the custody and control model where any credit cards used by employees are kept in the custody of the Finance Director and handed out when needed, the other method is appointing a separate compliance (cannot be finance director) officer. The purpose of the bill is making sure credit cards are not being abused. Mr. Simpson and Mgr. Monteleone stated they felt having the Finance Director be the custodian of the cards would be easiest. Atty. Powers said it would be an amendment to the Employee Handbook and would need to be passed prior to February 2, 2019; he will try to have it prepared for the next meeting.

STREET: Mr. Walker had no report. Mr. Simpson brought up an issue of water freezing on the road from a sump pump on West Martin St. that is causing a hazard and Mgr. Monteleone said they spoke with a neighbor today and they are trying to problem solving on that issue and coming up with a solution.

SAFETY/PARK/REC/CEM: Mr. Cohen invited everyone to Christmas at the Community Center, sponsored by the EP Park Board this Saturday from 12:30 – 2:30 with crafts, games, cookies and special appearances by Santa.

DEVELOPMENT: Mr. Yokley asked if the Twp. Trustees had seen the JEDD paperwork, Mgr. Monteleone said their attorney has the paperwork right now. Yokley asked when the trustees

would receive it and Monteleone said once their attorney reviews it he will forward it to the trustees. Atty, Powers stated he would call their attorney and see where things stand.

UTILITY: Mr. Todd stated he wanted to clarify to the public that the current sewer and water projects have absolutely nothing to do with the JEDD. He stated he heard that there was something on TV stating those projects were for the purpose of the JEDD and that is not the case at all; they have nothing to do with each other.

FINANCE: Per recommendations from the 2017 audit, Mr. Hall a motion to change the following: the Village Managers pay to come from 33% General Fund, 33% Water and 34% sewer and the Finance Directors pay to 46% General Fund, 27%Water and 27% sewer.

VISITORS: Chief Jim Brown, John Simon, Officer Sherrill Milliken, Jerry Coblentz, John & Dot Herbert, Don Johnson, Teri Ward, John Davis, Karen King, John Martin, and Katie White.

LEGISLATION: Mr. Simpson introduced Ord. 12-2018 for a third reading and made a motion that it be read by title only seconded by Mr. Cohen. **An ordinance adopting the appropriation for the current expenses and other expenditures of the Village of East Palestine, Ohio during the fiscal year beginning January 1, 2019 and adopting estimated resources and declaring an emergency.** Mr. Simpson made a motion to suspend the rules and declare an emergency seconded by Mr. Cohen. Mr. Cohen-y, Mr. Hall-y, Mr. Simpson-y, Mr. Todd-y, Mr. Walker-y, Mr. Yokley-y. Mr. Simpson called for a vote on Ord. 12-2018. Mr. Cohen-y, Mr. Hall-y, Mr. Simpson-y, Mr. Todd-y, Mr. Walker-y, Mr. Yokley-y. Mr. Simpson introduced Ord. 13-2018 for a second reading and made a motion that it be read by title only seconded by Mr. Cohen. **An ordinance authorizing the Village Manager to enter into a contract with David P. Powers to serve as the Municipal Attorney for a one year term commencing January 1, 2019 In accordance with the contract attached hereto as exhibit A.** Mr. Simpson introduced Ord. 14-2018 for a second reading and made a motion that it be read by title only seconded by Mr. Cohen. **AN ORDINANCE AMENDING THE PROVISION OF THE INCOME TAX CODE OF THE MUNICIPALITY OF EAST PALESTINE, OHIO TO PROVIDE FOR AN INCREASE OF ONE HALF OF ONE PERCENT (0.5%) TO THE PERMANENT 1.0% INCOME TAX; INCOME TAX INCREASE TO COMMENCE ON JANUARY 1, 2020; AND AMENDING SECTION 882.01(B)(1) (FORMER ORDINANCE 880.02) OF THE CODIFIED ORDINANCES, ALL SUBJECT TO APPROVAL BY THE ELECTORS OF THE MUNICIPALITY OF EAST PALESTINE, OHIO, AT THE PRIMARY ELECTION, ON THE MAY 7, 2019, BALLOT.** At this point in reference to the Police and Fire reports Mr. Simpson said the number of calls is constantly increasing with Police there being 120 reports filed by the PD and EMS calls are totaling 569, this only one reason we need this tax increase. Mr. Yokley mentioned putting on safety service levy instead of a tax increase and also what the other 50% of what the increase is going towards, Mr. Walker said the city isn't exempt from cost of living increase. Mgr. Monteleone stated it will go to the General Fund where some will go towards the park, administration issues including the Finance Director retiring in 5 or 6 years, and the building inspection program, he also said we most certainly will be having informational meetings for the public prior to the election along with flyers and speak at all of the local organizations. Yokley said if council gives their blessing and it goes to the voters and 60% of the voters don't pay taxes and only 40% do, that 40% doesn't have a real voice and that is on his conscience and he would like all of the answers across the board. Mr. Walker stated 100% of the residents receive the benefits. Mr. Cohen felt it would be worse as a levy as the burden would only be on the property owners and feels that income tax is a more democratic way of doing it. Simpson stated a levy will not go up but income tax will vary and hopefully it will go up. Mr. Walker said levies would have to be approved every five years to which Mr. Yokley said that would build accountability to what it is used for. He said if there are promises not kept, it doesn't pass, with income tax there is no going back. Monteleone said he feels the goal is to stabilize the General Fund with the increase, if that isn't stable but a levy is passed then all that will happen is that the amount of money generated from the levy will just be taken away and put back into the general fund. Mr. Walker suggested educating the prior to a council vote. Mr. Yokley asked what will happen if it does not pass to which Mr. Cohen said there is \$4,000.00 balance in the projected budget for 2019 and it is only

going get worse and if nothing improves in the next three or four years we are going to fall off of a cliff. Mr. Yokley said we haven't increased taxes in the last four years, he asked why now. Monteleone said 20 years more and more cuts have been made (police, fire, water and streets), we have the same amount of roads/infrastructure and we have skeleton crew compared to what we used to have, we can't afford to cut anymore. We have to be able to provide the basic services our residents need and deserve. Resident John Martin asked if there was a deadline to get this on the ballot, Mr. .Cohen said it was early February. Resident John Herbert asked if the Village has looked for grants and Monteleone asked what grants specifically he was referring to but also there are not grants to help with manpower. Resident John Davis asked when the original income tax went into effect and Mr. Cohen said 1973, Mr. Davis said jobs have been bled away over the years and Council and Chamber are trying to get people here but it's tough. Monteleone referenced the COPS grant for manpower (smaller rural areas don't usually get them) saying even those dissipate over time where the department is eventually paying the full amount and if you can't pay the full amount there are fines. Mr. Todd asked again if there was a plan for the other 50% of the increase and Monteleone said there was and it would be presented, he said they are trying to leave some contingency.

ADJOURN: Mr. Walker made a motion to adjourn, seconded by Mr. Hall. All in favor, meeting adjourned.

MISTI J. MARTIN CLERK

ACTING MAYOR ALAN COHEN